

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

GABRIELLA STRBIK)	
)	
Plaintiff,)	
v.)	
)	08 cv 3189
SUNRISE SENIOR LIVING, INC.,)	
SUNRISE of BUFFALO GROVE, and)	Judge Conlon
SUNRISE BUFFALO GROVE ASSISTED)	
LIVING, LLC.)	
)	
Defendants.)	

STATUS REPORT

A. Nature of the Case

1. Plaintiff, Gabriella Strbik, is represented by Bruce Bublick of the Law Offices of Jerome Schachter & Associates. They are the attorneys that will try the case if it proceeds to trial. Defendants, SUNRISE SENIOR LIVING, INC., and SUNRISE BUFFALO GROVE ASSISTED LIVING, LLC. are represented by Daniel B. Mills and Robert E. Sidkey of Pretzel & Stouffer. Daniel B. Mills and Robert E. Sidkey are the attorneys that will try the case if it proceeds to trial.

2. The basis for federal jurisdiction is diversity of parties. In addition, the amount in controversy could exceed \$75,000.00. Plaintiff's Complaint at Law indicates that the case value is more than \$50,000.00, however, Plaintiff will not stipulate that it will never be more than \$75,000.00. In addition, Plaintiff answered a Request to Admit that the amount in controversy exceeds \$ 75,000.00, exclusive of interest and costs, in the negative.

3. The nature of the claims in the Complaint stem from allegations that Sunrise Senior Living, Inc., et al, violated the Illinois Animal Control Act. Essentially, Plaintiff claims that the Defendant, Sunrise Senior Living, Inc., et al., knew of or should have known of the vicious and dangerous propensities of the dog which allegedly bit the Plaintiff; failed to train or to otherwise discipline the dog so that it would not attack and injure others; failed to warn others, including the Plaintiff, in close proximity that the dog was a vicious animal with a proclivity or propensity to attack and injure others; and/or failed to muzzle or prohibit the dog from attacking and biting others, particularly in an environment in which it would almost certainly come into contact with other people; and, failed to provide adequate adult supervision when it knew the dog had vicious and dangerous propensities.

4. Plaintiff claims that she suffered severe injuries to her bodily, skeletal, muscular

and nervous systems becoming scarred, bruised, contused, sore, lame, disabled and disordered, requiring medical care and treatment, suffering both physical and mental pain, being unable to conduct her normal daily affairs of life and expending large sums of money for her medical care and other related expenses, and those conditions occurred as a result of the alleged attack on her person by the dog owned by Sunrise Senior Living, Inc., on June 18, 2006, which continue to exist today, and will require further medical expense in the future. Plaintiff seeks compensatory damages for injuries suffered as a result of the alleged bite, as well as prejudgement interest, attorneys fees and costs of this action.

5. Defendants, SUNRISE SENIOR LIVING, INC., and SUNRISE BUFFALO GROVE ASSISTED LIVING, LLC. are the only parties at present. They have been served, appeared and answered the Complaint.

6. Defendants deny these claims of negligence or wrongdoing, and further deny that any such act caused or contributed to any injury.

B. Factual and Legal Issues

1. The principal legal issues at present are whether SUNRISE SENIOR LIVING, INC., and SUNRISE BUFFALO GROVE ASSISTED LIVING, LLC. are the appropriate Defendantst. Defendants, SUNRISE SENIOR LIVING, INC., and SUNRISE BUFFALO GROVE ASSISTED LIVING, LLC. contend that they had no involvement in the ownership of Murphy the Dog.

2. The principal factual issues are whether SUNRISE SENIOR LIVING, INC., and SUNRISE BUFFALO GROVE ASSISTED LIVING, LLC. were negligent for any acts/omissions that caused or contributed to the injuries of the Plaintiff.

C. Proceedings to Date

1. No substantive rulings have been issued in this case.
2. There are no pending motions.
3. The initial case status meeting is on June 26, 2008.

D. Discovery

1. The parties began discovery in June 2008, with initial written discovery.
2. The initial written discovery was served on Plaintiff by SUNRISE SENIOR LIVING, INC., and SUNRISE BUFFALO GROVE ASSISTED LIVING, LLC.
3. Plaintiff has not served written discovery.
4. Parties need to answer written discovery. In addition, parties will need to conduct

the depositions of the following individuals: Plaintiff, Plaintiff's family members, Defendant's staff members; third party fact witnesses, if any; the treating physicians; and the parties' retained experts.

5. Agreed Dates:

Rule 26(a)(1) disclosures/Written Discovery: Completed by July 24, 2008.
Depositions of Plaintiff/Family Members: Completed by September 24, 2008.
Depositions of Staff Members: Completed by January 23, 2009.
Depositions of Disclosed Treating Physicians: Completed by February 23, 2009.
Plaintiff's Expert's Report: Completed by April 23, 2009.
Depositions of Plaintiff's Expert: Completed by May 25, 2009.
Defendants' Expert's Report: Completed by July 27, 2009.
Defendants' Expert's Deposition: Completed by August 27, 2009.
Filing of a Final Pretrial Order: Completed by September 28, 2009.

E. Trial

1. This case is not ready for trial.
2. Trial is estimated to last 5-8 days.
3. Given the case status, no final pre-trial order has been filed, nor is one being prepared.
4. At this point, the parties do not unanimously consent to proceed before a United States Magistrate Judge.

F. Settlement

1. Plaintiff has not issued a written settlement demand. Defendant is not prepared to make an offer at this time.

Date: June 25, 2008

Respectfully submitted,
GABRIELLA STRBIK
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**SUNRISE SENIOR LIVING, INC.,
and SUNRISE BUFFALO GROVE
ASSISTED LIVING, LLC.**
By: s/Robert E. Sidkey
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One S. Wacker Dr., Suite 2500
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(312) 346-1973

CERTIFICATE OF SERVICE

A copy of Status Report was filed electronically this 25th day of June, 2008. Notice of Filing will be sent to the below-listed attorney by operation of court's electronic filing system. Parties may access this filing through the court's electronic system. A copy has been faxed to attorney for plaintiff.

ATTORNEY FOR PLAINTIFF

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